

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the PATENT APPLICATION of:

Hermann Grether

Application No.: 10/519,572

Our File: SMB-PT121

Confirmation No.: 7694

(PC 03 445 B US)

Filed: December 28, 2004

Date: May 4, 2009

For: COMPONENT INCORPORATED IN A
PLUMBING SYSTEM

Group: 3752

Examiner: Darren W. Gorman

DECLARATION OF CHRISTOPH WEIS PURSUANT TO 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, CHRISTOPH WEIS, declare that:

1. I am the Director of Research and Development for Neoperl GmbH, the Assignee of the present invention.
2. I have been working at Neoperl in the field of fluid handling, and in particular flow control components for over 14 years.
3. I received a mechanics degree (Diplom-Ingenieur which equals Master of Science) from University of Karlsruhe in Karlsruhe, Germany.
4. I am a named inventor of U.S. Patent No. 6,152,182, which was cited by the Examiner in the above-identified patent application.

5. I have reviewed the November 3, 2008 Office Action, and the following rejections:

6. *Claim Rejections – 35 USC § 102*

7. In the Action, claims 34-60 and 64-67 were rejected under 35 U.S.C. 102(b) as being anticipated by Grether et al., USPN 6,152,182. The Action states:

It is noted that, although the drawings of Grether show a plurality of deflector members (see various embodiments throughout Figures 2-1 1 of Grether), which form the grid, wherein the deflector members are spaced apart in a longitudinal direction of the device, such arrangements are still reasonable to anticipate the claimed arrangement, since the ridges clearly cross each other to form junction points and since passageways are clearly formed between the ridges. It should also be noted that the disclosure of Grether expressly states that the deflectors "are preferably arranged in a grid shape in at least one plane oriented crosswise to the flow-through direction" (see column 3, lines 13-15). Thus, although not clearly shown in any of the drawings, the disclosure of Grether encompasses a jet regulating device where the ridges cross each other at junction points within the same plane to form the grid shape in a single plane. (Emphasis added)

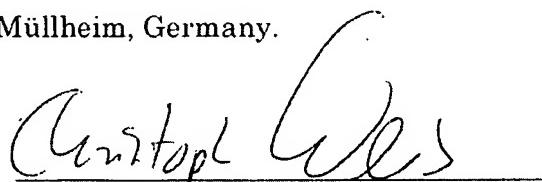
This is not accurate since the specification of the '182 patent contains ambiguous language regarding the orientation of the deflectors. The original priority application was filed in German and translated into English for filing in the U.S. In the original German text the phase "*rostartig in wenigstens einer quer zur Durchströmrichtung orientierten Ebene nebeneinander angeordnet sind*" would

have been better translated as "grid, at least one plane oriented crosswise to the flow-through direction, are arranged next to each other". This is also shown in the drawings of the '182 patent, particularly in Figs. 3 and 4. Accordingly, the USPN 6,152,182 does not show the invention as currently claimed.

8. During the April 27, 2009 in-person interview with the Examiner and the Examiner's Supervisor, Len Tran, I specifically explained and noted the differences between my prior '182 patent disclosure and the present invention. It is believed that the Examiner understood and appreciated the differences between this prior art and the invention based on our discussion.

9. I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed this 4 day of May 2009 at Müllheim, Germany.



Christoph Weis